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THOMAS G. BRUTON

CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

JUSTIN CREDICO

) CASE NO: TBA

) §1983 COMPLAINT

v.

)

FIRST AMENDMENT SPEECH RETALIATION

BLUE ISLAND TOWNSHIP;

)

FIRST AMENDMENT CHILLED SPEECH INJURY

Unknown Blue Island Police Officer;

)

DECLARATORY/INJUNCTIVE RELIEF

(individually / officially)

)

Related Case No:
Credico v. Blue Isl. 15-3037 (CA3)
Blue Island Occupy Incident (unknown)

§1983 CIVIL RIGHTS COMPLAINT

DECLARATORY RELIEF

16-cv-1973

Judge Milton I. Shadur

Magistrate Judge Sheila Finnegan

PC1

INJUNCTIVE RELIEF

FOR FIRST AMENDMENT INJURIES

INTRODUCTION

1. This is an action against the Blue Island Township
2. This is also an action against an Unknown Officer of Blue Island Police
3. All defendants are located in or about the Blue Island Township of the state of Illinois

JURISDICTION

4. This claim is brought under §1983, and the First Amendment right to speech, and redress clauses
5. Also, this claim is brought under 28 USC 1331, 28 USC 1343
6. The court may exercise supplemental jurisdiction over state law claims that arise from the same facts and circumstances, doing so under 28 USC 1367

Inmate Funds Request

My name and federal register number are _____. I am currently incarcerated at FDC Philadelphia, Pennsylvania. I was incarcerated at your facility under the following name and register number _____. Please forward any funds that I left at your facility to me at the address listed below. Thank you for your assistance.

(Print Name) _____ (Sign Name) _____ (Register Number) _____

Federal Bureau of Prisons
Insert Inmate Name
Insert Inmate Register Number
Post Office Box 474701
Des Moines, Iowa 50947-0001

FCI Fairton P. O. Box 280 Fairton, NJ 08320	FCI Schuylkill P. O. Box 700 Minersville, PA 19754	Berks County Jail 1287 County Welfare Road Leesport, PA 19533
Buck County Jail 1730 South Easton Road Doylestown, PA 19801	CECF 8201 State Road Philadelphia, PA 19136	Chester County Jail 501 South Wawa Set Road West Chester, PA 19382
Delaware County Prison P. O. Box 23A Cheney Road Thorton, PA 19373	Passaic County Jail 11 Marshal Street Patterson, NJ 17501	Virginia (Central) Jail 13201 James Madison Highway P. O. Box 1257 Orange, VA 22960
Virginia (North) Jail P. O. Box 1090 Warsaw, VA 22572	Hudson County Jail 30 Hackensack Avenue Kearny, NJ 07032	

PARTIES

7. Plaintiff is a resident of Chester County Pennsylvania
8. At all times the defendants are residents of Blue Island Illinois
9. Defendant Blue Island Township is a Township for Monell purposes
10. Defendant unknown Blue island Police officer, sued in his individual and official capacity, is a police officer of Blue island Police located in Blue Island Township
11. All defendants were under color of state law

FACTUAL ALLEGATIONS

12. On or about February ^{1st} 2014, the plaintiff reviewed a case concerning an incident that transpired between Blue Island and the Occupy Movement
13. After having read the case, which is listed as "related case" and seeing the video of the incident in which the Blue Island Police pepper sprayed an angry protester, the plaintiff decided to attempt to obtain information from the Blue Island Police concerning the incident and the "then pending" federal lawsuit
14. The plaintiff, upon calling the Blue Island Police department, got into an argument with the presumed to be answering official. This answering official is not listed as defendant
15. The answering official transferred plaintiff's call to the answering machine of another Blue Island Police Officer
16. The plaintiff left an angry voicemail but did not request the officer to call him back
17. Plaintiff went on with his day and assumed that the issue would never progress any further.
18. However, the next morning, the plaintiff received a phone call and voice-mail from an unknown Blue Island official, who is listed as defendant

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19. Upon reviewing his voice mail left by the police officer, the plaintiff was ordered to call back by the government official of Blue Island Police

20. Upon obeying the officer's order, the plaintiff, who was half-asleep, began to argue with the Blue Island officer about how he wanted to be left alone and that this issue concerning the Occupy pepper spraying was obviously not going to progress anywhere. Also, before hanging up, the plaintiff told the Blue Island Police that they should not be over there pepper spraying innocent young women protesters. Again, another argument ensued, and the plaintiff hung up

21. Plaintiff went back to sleep and was again awoken by the Blue Island police officer's incoming call. However, before answering the call the plaintiff setup his phone to record the conversation, doing so pursuant to the single party consent statute and provision of the federal wiretap statute in order to protect himself

22. While recording his own phone conversation, the plaintiff recorded the officer as saying, "YOU'RE DOOMED! and YOUR WHOLE BREED IS DOOMED ... FAMILY IS DOOMED!"

23. Plaintiff then filed his original complaint in Philadelphia Federal Court

24. This was the wrong venue, and upon final exhaustion of remedies of procedure in the Appellate court (CA3), the plaintiff now brings the claim to this court

25. Plaintiff has already posted the recording onto the "public fora" internet and this court may find the recording posted onto the plaintiff's MYSPACE page under his screen name: JMC31337

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FEDERAL THEORIES OF RECOVERY

26. RETALIATION

a. The plaintiff was retaliated for conduct of of constitutional nature, that being requesting information about an incident of pepper gassing an Occupy female protester

b. This conduct thus stemmed into the officer telling the plaintiff he and his family are DOOMED! and his whole breed is doomed! Whatever "breed that might be" -plaintiff seriously hopes that the officer was not referring to him being a hacker or hacktivist, because from where the plaintiff sits, the hackers all across the world are beating the crap out of this government's country, and, the government has nothing to show for itself- but, its unknown as to what "breed" the officer was referring to

c. Activity that is protected, to wit, the First Amendment speech clause, subsequently responded by the government with retaliatory actions or comment that would deter further constitutionally protected activity is retaliation

27. CHILLED SPEECH

a. The present objective harm suffered by the plaintiff was that his speech was replied by the government with specific actions and statements directed toward the plaintiff telling the plaintiff that he is doomed, his family is doomed, and his "breed" is doomed

b. These remarks and actions by the government are sufficient in degree to chill the exercise of First Amendment rights

28. MONELL CLAIM

a. The "routine" replies of chilling free speech constitute a "practice" that satisfies a Monell claim. The Blue Island have ~~been~~ been alleged to have "chilled" or "retaliated" against persons over speech related incidents or other Constitutionally protected rights. To wit, the Blue Island were sued

Instructions: Complete and attach this document to each BP-9 when informal resolution is unsuccessful. The submission will not be accepted without this form.

Date(s) Informal Resolution Attempted: _____

Inmate Name: _____ Reg. No.: _____ Unit: _____

Date the incident complained of occurred: _____

If appealing UDC action, attach a copy of the Incident Report. _____

I attempted informal resolution of this inmate's complaint concerning: _____
(If the inmate refused any attempt at informal resolution, please indicate here.) _____

The inmate and I discussed the following aspects of the complaint that he/she felt were of major concern: _____

I suggested the following course(s) of action or alternatives to the inmate: _____

The inmate's response was: _____

Unit Manager's Comments: _____

Name and Title of Department Head contacted: _____

Informal resolution was/was not (circle one) accomplished. _____

Correctional Counselor _____ Date _____

Unit Manager _____ Date _____

FDC PHILADELPHIA, PENNSYLVANIA
INFORMAL RESOLUTION ATTEMPT

by a female protester who was expressing free speech (protesting) during an Occupy movement. The incident concerning the female was that she was screaming (protesting) and the official sprayed her in the face for her protesting. Later the government attempted to explain-away its conduct arguing that their official had probable cause. Whether the case ended in favor of the government or plaintiff is not relevant, however, what is relevant is that over and over we see horrible chilling, retaliation, and actions by the same government body over constitutionally protected activity. Such can all be said to be "practice" and commonly routine by a municipal entity. Plaintiff and related case have suffered very similar "practice" over their constitutionally protected activity.

29. PLRA FIRST AMENDMENT VIOLATIONS

a. In *Zamara v. King* 788 F.3d 207 (6CA), the court has decided a decision that this court should adopt as well: The PLRA does not preclude prisoners from asserting meritorious Section 1983 claims alleging First Amendment violations merely because the violation did not also cause physical ~~harm~~ harm.

30. JUDICIAL NOTICE OF AUDIO RECORDING AND OCCUPY INCIDENT

a. The plaintiff requests that the court obtain the copy of the audio recording posted onto the internet MYSPACE page and take judicial notice of it.

b. Additionally the plaintiff request the court to take judicial notice of the female pepper-spraying incident that transpired at an Occupy Movement protest. Unfortunately, the plaintiff does not know if such incident is a state case or not.

PHL 1330.16
Attachment A

FDC PHILADELPHIA, PENNSYLVANIA
INFORMAL RESOLUTION ATTEMPT

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Informal resolution was/was not (circle one) accomplished.

Correctional Counselor _____ Date _____

Unit Manager _____ Date _____

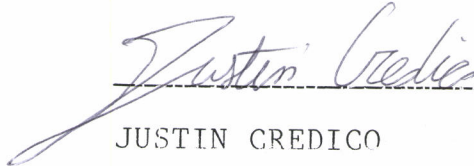
RELIEF REQUESTED

Plaintiff asks for the following relief:

1. Unliquidated monetary damages for First Amendment violations
2. Declaratory Relief establishing new "policy" "practices" such that these types of routine violations no longer transpire
3. Injunctive Relief enjoining the defendants from any further First Amendment violations of retaliation, and chilling

1-30-16

DATED


JUSTIN CREDICO

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Informal resolution was/was not (circle one) accomplished.

Correctional Counselor	Date

Unit Manager	Date

FDC PHILADELPHIA, PENNSYLVANIA
INFORMAL RESOLUTION ATTEMPT

CERTIFICATE OF SERVICE

I hereby verify that on this 30th day of January 2016, one true copy of the enclosed Section 1983 civil rights complaint was sent via first class mail to the following:

Clerk of Courts
U.S. District Courthouse
219 S. Dearborn Street
20th Floor
Chicago Illinois 60604

1-30-16

DATED

Justin Credico
Justin Credico

PHL 1330.16
Attachment A

FDC PHILADELPHIA, PENNSYLVANIA
INFORMAL RESOLUTION ATTEMPT

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